

SENATE, No. 516

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Increases criminal penalties if leaving loaded firearm within easy access of minor results in injury or death.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 9/19/2014)

1 AN ACT concerning firearms and amending P.L.1991, c.397.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. Section 1 of P.L.1991, c.397 (C.2C:58-15) is amended to read
7 as follows:

8 1. a. A person who knows or reasonably should know that a
9 minor is likely to gain access to a loaded firearm at a premises
10 under the person's control commits a disorderly persons offense if a
11 minor gains access to the firearm, unless the person:

12 (1) Stores the firearm in a securely locked box or container;

13 (2) Stores the firearm in a location which a reasonable person
14 would believe to be secure; or

15 (3) Secures the firearm with a trigger lock.

16 b. This section shall not apply:

17 (1) To activities authorized by section 14 of P.L.1979, c.179,
18 (C.2C:58-6.1), concerning the lawful use of a firearm by a minor; or

19 (2) Under circumstances where a minor obtained a firearm as a
20 result of an unlawful entry by any person.

21 c. As used in this act, "minor" means a person under the age of
22 16.

23 d. A person who violates this section is guilty of a crime of the
24 fourth degree if a minor's access to a loaded firearm causes the
25 bodily injury of any person. A person who violates this section is
26 guilty of a crime of the third degree if a minor's access to a loaded
27 firearm causes the death or serious bodily injury of any person. For
28 the purposes of this section, "bodily injury" or "serious bodily
29 injury" shall have the same meaning set forth in N.J.S.2C:11-1.

30 (cf: P.L.1991, c.397, s.1)

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32 2. This act shall take effect immediately.

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35 STATEMENT

36

37 This bill increases the penalties for allowing a minor to gain
38 access to a loaded firearm when such a violation results in bodily
39 injury or death.

40 Under current law, a person who knows or reasonably should
41 know that a minor is likely to gain access to a loaded firearm at a
42 premises under the person's control is required to store the firearm
43 in a securely locked box or container or in a location which a
44 reasonable person would believe to be secure, or to secure the
45 firearm with a trigger lock. If a person fails to follow these

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 precautions and a minor gains access to the firearm, the adult is
2 guilty of a disorderly person's offense.

3 This bill upgrades the offense to a crime of the fourth degree if a
4 violation of the current law results in bodily injury, and a crime of
5 the third degree if a violation results in serious bodily injury or
6 death. A disorderly person's offense is punishable by up to six
7 months imprisonment, a fine of up to \$1,000, or both. A crime of
8 the fourth degree is punishable by up to 18 months imprisonment, a
9 fine of up to \$10,000, or both; crimes of the third degree are
10 punishable by three to five years imprisonment, a fine of up to
11 \$15,000, or both.

12 The law defines "bodily injury" as physical pain, illness or any
13 impairment of physical condition. "Serious bodily injury" is defined
14 as bodily injury which creates a substantial risk of death or which
15 causes serious, permanent disfigurement, or protracted loss or
16 impairment of the function of any bodily member or organ.